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OFFICE OF PETITIONS

In re Application of :
Steve McCarthy, et al. :
Application No. 09/767,894 :
Filed: January 22, 2001 :
Attorney Docket No. 3123-342 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 6, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed March 1, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 2, 2004.

The petition satisfies the requirement of 37 CFR 1.137 (b) in that petitioner has supplied (1) the reply in the form of an Amendment and a Request for Continued Examination (RCE); (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the petition filed June 6, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application file is being forwarded to Technology Center 2100, Art Unit 2133 for processing the Request for Continued Examination (RCE) under 37 CFR 1.114 filed with the instant petition.

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy